

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RACHEL MCCLUSKEY,

Defendant.

8:20CR271

ORDER

This matter is before the Court on defendant Rachel McCluskey's ("McCluskey") *pro se* Motion for "Compassionate Release . . . in accordance with 18 U.S.C. [§] 3582(c)(1)(A) as amended by the First Step Act of 2018," Pub. L. No. 115-391, 132 Stat. 5194 (2018) (Filing No. 75). McCluskey asserts she suffers from a chronic kidney disease for which she is not receiving timely and adequate care. She asks the Court to release her from her 132-month term of imprisonment and grant her supervised release in light of her medical needs.

Upon initial review, the Court finds McCluskey's motion qualifies for judicial review and raises a potentially colorable ground for relief. *See* 18 U.S.C. § 3582(c)(1)(A) (providing that the defendant may move for compassionate release only after they have "fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility"). The Court will appoint counsel and order the United States Probation and Pretrial Services Office to investigate McCluskey's motion to aid in determining whether her circumstances warrant a sentence reduction. Accordingly,

IT IS ORDERED:

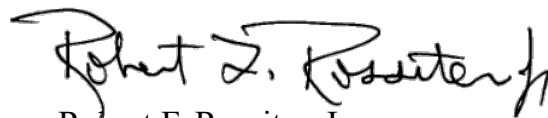
1. The Federal Public Defender for the District of Nebraska is appointed to represent McCluskey for the limited purpose of determining whether there

are extraordinary and compelling reasons to reduce her term of imprisonment.

2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review the Federal Public Defender should conclude that McCluskey's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The United States Probation and Pretrial Services Office is directed to investigate McCluskey's compassionate-release request and promptly file under seal a report on that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. McCluskey's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and McCluskey's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing McCluskey's request for sentencing relief and provide any evidence necessary to the Court's disposition of her motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 4th day of March 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge